

FILED

UNITED STATES DISTRICT COURT FEB -5 2024
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

IN RE JUUL LABS, INC., MARKETING,
 SALES PRACTICES, AND PRODUCTS
 LIABILITY LITIGATION

Case No.: 19-MD-02913-WHO

**OBJECTION TO PLAINTIFF'S
 MOTION FOR FINAL APPROVAL
 OF PROPOSED SETTLEMENT.**

THIS DOCUMENT RELATES TO:
 CLASS ACTIONS

Class member DAVID MADRIGAL ("Mr. Madrigal or Class Member") objects to the settlement agreement on two issues brought forward on February 20, 2024 by the Claims Administrator EPIQ'S Senior Vice President Cameron Azari ("Epiq") Declaration ECF 4198-1. Mr. Madrigal is a member of the class because he purchased juul products directly from retail locations including "king smokes & Vapes Claremont, Ca, Heavy Clouds Smoke and vape Shop Upland,Ca, Vape Avenue in Chino, Ca among other retail locations prior to December 7, 2022 Mr. Madrigal could not file this objection prior to the deadline of February 6, 2024 because he did not know Epiq's intentions prior to their filing February 20, 2024 "Support of Motions for Final Approval of Altria Class Acton Settlement and Attorney Fees and Expenses ECF 4198-1. I'm still baffled how claims administrators are able to file motions after the objection deadline has passed. There are **TWO OBJECTIONS** that have been brought to light and need to be addressed before the court makes its final approval decision in the above entitled case. These two issues warrant attention.

The First Objection is Epiq's proposal to violate millions of class members' Fifth and Fourteenth Amendment rights to due process protections under the constitution of the USA. Epiq's Cameron Azari Declaration proposes to do just that. ECF 4198-1 at 14-15 ¶ 47

47. If Epiq were to send rejection notices to every single claim rejected as fraudulent, even by email, the additional cost to notice the estimated 11.2 million questionable and/or denied Claims would be in excess of \$600,000 to the ranges above. This added cost would include transactional and hourly time for the defect noticing, as well as additional incomplete attempts to ~~cure deficient Claims, written correspondence, and emails and phone calls~~

OBJECTION TO PLAINTIFF'S MOTION FOR FINAL APPROVAL OF PROPOSED SETTLEMENT

1 to the administrator requiring processing and/or responses. Depending on
 2 the strength and number of indicia of fraud, the best and most fair option to
 3 control costs and preserve the Settlement Funds for the Class Members
 4 may be to not send such notices to some or all of this population

5 Epiq proposes to not provide notice to over 11 million potential valid class
 6 members is a direct violation of the US Constitution. I do not want to waste the
 7 court's time with verbiage it already knows but only a sentence or two to protect
 8 this objection if an appeal is to follow. First and foremost the Fifth Amendment
 9 says the federal government that no one shall be deprived of life, liberty, or
 10 property interest without due process of law. Those protections have been
 11 determined by the Fourteenth Amendment that due process requires, at a
 12 minimum: (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal.
 13 Notice has been sent regarding this class action, however that notice is not
 14 sufficient enough to overcome due process rights in relation individually to class
 15 members who filed a claim. Over 11 million questionable claims EPIQ seeks to
 16 deny with one swing of a sword. Although thousands of these claims can simply
 17 defeat questionable issues, with proper notice. To deprive them of their right to
 18 due process is not an option, but the obligation of this court and what it serves to
 19 protect. No matter the cost.

20 Epiq alleges in order to control cost and to preserve the settlement funds
 21 for class members "it is the best and most fair option" to not provide notice. But
 22 in reality what EPIQ is proposing is to violate millions of class members' due
 23 process rights in order to keep costs down for they can line their own pockets
 24 with millions of dollars as seen in their astronomical request for administration
 25 cost. EPIQ said it themselves the claims that they are proposing to not provide
 26 notice are not all considered fraudulent but "questionable" ECF 4198-1 p.14 ¶
 27 47 ln 27-28

28 The fact that they don't even know if the claim is fraudulent, but
 "questionable" gives more reason to send out deficiency notices to those
 members. Equitable treatment should be treated to all class members, one class
 member should not be given a green apple while the other class member is given
 a rotten apple. The notice provided to class members stated they did not need to
 provide supporting documentation at this time, although Claim Administrator

may request supporting documentation at a later time. But now what EPIQ is proposing is to ignore those class members who filed no documentation of claims over \$300. This change or proposal dramatically changes the settlement agreement in ways it cannot be approved.

Let's not forget millions of these class members are kids who have just turned 18-22 of age and have just begun their adulthood. Clearly many of them have no clue the inner workings of the legal system nor will they understand what happened to their claim and or how to pursue their claim without proper due process protections. Epiq seeks to take advantage of this fountain of youth class population. Therefore I object on the settlement agreement being approved at this time due to class members Fifth and Fourteenth amendment being violated and not being treated equitably.

The Second Objection is to the Claims Administrator's EPIQ request for fees and cost in relation to all aspects of their claims administration processes that have garnered their astronomical request of over 10,000,000 dollars. **LET'S BE FRANK!!** Claims Administrators are not Neurosurgeons, they are not Cardiovascular Surgeons, they are not Doctors, they do not deliver babies in ER, they are not Professional Athletes, they do not sell out concert tickets like Justin Bieber or Metallica and they certainly are not Movie Stars. To a certain extent they are not even trial lawyers, they are not criminal lawyers, in class action cases their attorney title rarely is necessary at all. Yet they seek fees as if they are the attorneys for class members and are the ones harmed by the defendants themselves.

Lets stop and think about this for a second? Are claims administrators really worth millions of dollars? Now if EPIQ misjudged the amount of claims that were going to be submitted that is not a reason to seek millions of dollars.(ECF 4198-1 p.15 ¶ 48 In 10-14) It is no question EPIQ is an expert and has served in hundreds of Federal and State cases involving class action notices and this case is no different. It is becoming common practice now for Claims Administrators to use the same verbiage ex/ "overwhelming claims submitted" and/or "millions of fraudulent claims showing indicia fraud". These terms used by EPIQ and administrators are strategically thought out in order to squeak out additional

funds right from under class members' feet. One can make an argument that

1 claims administrators are a conflict of interest to be administering a class action
2 settlement in the first place being that they have an interest in the overall amount
3 in a settlement fund.

4 The court cannot continue to allow administrators to Scrooge McDuck and
5 swim in piles of money that is not rightfully theirs. Of course they have a duty,
6 and a job, and should be paid accordingly but not given windfalls every
7 settlement case. If you look at the past year, Claims Administrators have doubled
8 and in most cases tripled their cost at the expense of doing exactly if not less
9 than what they have been doing for years. It is Artificial Intelligence (AI) that is
10 doing the majority of the heavy lifting for them now.

11 It is bad enough class counsel is seeking over 30% of the settlement fund
12 but now on top of that you have claims administrators setting up shop to appear
13 as two entities under the same umbrella in order to double dip in the settlement
14 fund for their cost. Example, Hilsoft Notifications ("Hilsoft") is undoubtedly the
15 same exact company as EPIQ and in no way different than what the settlement
16 administrator is composed of and represents. In order to double dip into the fund
17 they created this alter ego company that essentially does the exact same thing
18 EPIQ has done "as one company" for years. Claims Administrators are smart,
19 financially savvy accountants and responsible for millions and millions of dollars
20 but there needs to be a line drawn. Violating class members rights to due
21 process and receiving a windfall of fees at the expense of class members is
22 where the court needs to draw the line Do not allow administrators to build
23 precedent cases where they can use and quote in their future memorandums in
24 class action cases to show that this type conduit will be allowed.

25 For the foregoing reasons I respectfully request the court to accept this
26 late filing objection and not approve the settlement agreement at this time. If I
27 was provided with EPIQ's intentions of requesting astronomical fees and denying
28 millions of class members' due process rights by not treating them equitably I
would have filed this objection on time. But that would have been impossible..

3-1-24
Date


David Madrigal (KTQGLIGV)
13002 9th St.
Chino, Ca 91710-4213
davidmadrigal@aol.com

Sent Via Direct Email And US Postal Service to:

CLERK OF COURT AS SHOWN ON CLAIMS WEBSITE

Office of the Clerk of Court U.S.

District Court for the Northern District of California
450 Golden Gate Ave.
San Francisco, CA 94102

CONTACT INFORMATION PROVIDED ON CLAIMS WEBSITE

EPIQ CLAIMS ADMINISTRATION

Sent via Email and US Postal

In re JUUL Labs, Inc.
Settlement Administrator
P.O. Box 5730
Portland, OR 97228-5730
info@JUULClassAction.com

CLASS COUNSEL AS SHOWN ON CLAIMS WEBSITE

Dena C. Sharp

Sent via US Postal

GIRARD SHARP LLP

601 California Street, 14th Fl.
San Francisco, CA 94108
1-415-981-4800

Dean Kawamoto

Sent Via US Postal

KELLER ROHRBACK L.L.P.

1201 Third Ave.
Ste. 3200
Seattle, WA 98101
1-206-623-1900

Sarah R. London

Sent Via US Postal

LIEFF CABRASER HEIMANN & BERNSTEIN

275 Battery Street, Fl. 29
San Francisco, CA 94111
1-415-956-1000

Ellen Relkin

Sent Via US Postal

WEITZ & LUXENBERG

700 Broadway
New York, NY 10003
1-212-558-5500

Retail



94102

U.S. POSTAGE PAID
FCM LETTER
CLAREMONT, CA 91711
MAR 01, 2024

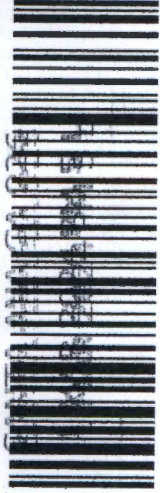
\$5.08

RDC 99

R2304M114026-06

ON THE RETURN ADDRESS, FOLD AT DOTTED LINE

CERTIFIED MAIL®



9589 0710 5270 0963 0784 33

RECEIVED

MAR 05 2024

CLERK, U.S. DISTRICT COURT
NORTH DISTRICT OF CALIFORNIA

David Madrigal
13002 9th st.
Chino, Ca 91710

Office of the Clerk of Court
District Court for the Northern
450 Golden Gate Ave.
San Francisco, CA 94102

54102-345210

